

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DARRYL ALEXANDER and EDNA
ALEXANDER

Case No. 2:09-CV-12303

Plaintiffs,

Hon. Patrick J. Duggan
Magistrate Judge Paul J. Komives

vs.

DEL MONTE CORPORATION and THE
KROGER COMPANY,

Defendants.

ORDER

At a session of said Court, held in Detroit,
Michigan, on February 1, 2010.

PRESENT: HON. PATRICK J. DUGGAN
U.S. District Court Judge

Upon reading the foregoing Stipulation and the Court being otherwise fully advised in the
premises,

IT IS HEREBY ORDERED:

1. That on or before February 1, 2010, counsel for Plaintiffs must produce the jar
and lid described in Plaintiffs' Complaint for visual examination by representatives of Crown
Cork & Seal Company, Inc. No tests shall be performed until the parties mutually agree to a
testing protocol recommended by said representatives;

2. Defendants may not engage in any destructive testing and shall share the results
of any tests with counsel for Plaintiffs;

3. Defendants will be responsible for any loss or damage to the subject jar and lid;
and

4. Defendants will be responsible for shipping the jar and lid to and from Crown
Cork & Seal Company, Inc.

s/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: February 1, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record
on February 2, 2010, by electronic and/or ordinary mail.

s/Marilyn Orem
Case Manager